

# Exhibit E

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Fish and Wildlife, Special Licenses Unit  
625 Broadway, Fifth Floor, Albany, New York 12233-4752  
P: (518) 402-8985 | F: (518) 402-8925  
www.dec.ny.gov

August 14, 2017

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Ms. Carrie Leo  
3199 Walworth Rd  
Walworth, New York 14568

**NOTICE OF WILDLIFE REHABILITATION LICENSE  
RENEWAL APPLICATION DENIAL**

Dear Ms. Leo:

In accordance with the provisions of 6 NYCRR §§175.5 and 184 and Department of Environmental Conservation Commissioner's Record of Compliance Enforcement Policy (DEE-16) of August 8, 1991, as revised on March 5, 1993, you are hereby notified that your application to renew Wildlife Rehabilitation – Class 1 number 1646 issued pursuant to Environmental Conservation Law [ECL] 11-0515(3) and 6 NYCRR Parts 175 and 184 is denied.

The Department has denied your application for:

- 1) Unauthorized possession of wildlife without proper license from the Department;
- 2) Failure to keep accurate records and submit timely reports to the Department;
- 3) Failure to comply with terms and conditions of your special licenses issued by the Department; and
- 4) Violations of the ECL or other statutes and regulations relating to your handling of animals or the permitting of the facility.

Based upon (i) records you have submitted to the Department (ii) an inspection of your facility on May 10, 2016, and (iii) additional documents and information in the Department's files, you have acknowledged and been shown, to be in possession of Department regulated animals without proper licenses or permits; evidenced your failure to notify the Department of such possession as required; failed to provide proper rehabilitative care to animals in your possession; and have failed to comply with the terms and conditions of your Department issued licenses.

Specifically, you admitted to and were found possessing and failing to release to the wild in a timely manner six (6) wild coyote (*Canis latrans*) and four (4) Virginia opossum (*Didelphis virginiana*) and failed to properly account for these Department regulated animals on your Wildlife Rehabilitation Log. Records you have submitted indicate that on



Department of  
Environmental  
Conservation

August 14, 2015, your Veterinarian, Dr. Laura Wade, DVM, performed an onsite inspection of your facility in which "Several opossum were evaluated and were found in good overall health, however, had been in captivity for a period of time and were quite habituated." And additionally, "Six coyote pups were evaluated and although appeared in good health... appeared too socialized towards humans for release." Further, although you knew these animals to be non-releasable and therefore not rehabilitation candidates, you did not contact the Department until March 28, 2016, when the Department received your request to add the coyotes to your License to Collect or Possess: Education/Exhibition (LCPEE) #623, and on July 18, 2016, the Department received your request to add the Virginia opossum to your LCPEE.

Further, on May 10, 2016, the Department's Regional Wildlife Manager, Mike Wasilco, and officers from the Division of Law Enforcement inspected your property. During the inspection you were found to be in violation of the following:

1. possessing these regulated animals without a license:
  - i. four (4) Virginia opossum;
  - ii. thirteen (13) Eastern coyote; and
  - iii. two (2) eastern gray squirrel (*Sciurus carolinensis*);
2. failing to provide proper caging facilities, to wit, housing and overwintering opossums in inadequate caging (3'x3'x2') which, during the Department's inspection, you acknowledged were not large enough for these animals;
3. failing to maintain your Wildlife Rehabilitation Log on a weekly basis;
4. failing to submit your Wildlife Rehabilitation Log on an annual basis.

As you know, the State Fish and Wildlife Law authorizes the Department to issue revocable licenses for persons to temporarily possess distressed wildlife for rehabilitation purposes. See ECL §11-0515(3), and 6 NYCRR Part 184: *Wildlife Rehabilitators*. The stated purpose of the Department's Part 184 regulations is expressly set forth in 6 NYCRR §184.1(a):

... The purpose of this Part is to establish a specially trained group of individuals, collectively called wildlife rehabilitators, to provide for the care of injured and debilitated wildlife so that such wildlife may be returned to the wild. ... By encouraging that injured or debilitated wildlife be placed in the care of specially trained wildlife rehabilitators, it is possible to achieve more humane care and greater expectation that distressed wildlife can be returned to the wild.

Wildlife rehabilitation is defined as "the practice of providing care for injured or debilitated wildlife, including their capture, housing, feeding, emergency treatment and release to the wild." See 6 NYCRR §184.2(f), and DEC's Wildlife Rehabilitation Study Guide (<http://www.dec.ny.gov/permits/25027.html>)

Your Wildlife Rehabilitation – Class 1 license (WRL) contains the following express conditions:

**22. WRL – Disposition of Non-Releasable Wildlife**

*Wildlife deemed to be incapable of surviving if released to the wild shall be euthanized or, except white-tailed deer, black bear and moose, may be transferred to an individual who possesses a valid licenses to possess such live, non-releasable animal.*

**27. Humane and Professional Practice of Wildlife Rehabilitation**

*The licensee shall practice wildlife rehabilitation in a humane and professional manner.*

**28. Minimizing Habituation**

*The licensee shall employ methods that prevent or minimize habituation or imprinting of wildlife on humans including limiting contact with the animals and providing caging that limits the wildlife's exposure to the licensee and other humans and domestic pets and livestock.*

**36. WRL – Weekly maintenance of Wildlife Rehabilitation Log**

*The licensee shall keep and maintain an accurate record known as the Wildlife Rehabilitator Log on a weekly basis.*

**37. WRL – Reporting Requirement**

*The licensee shall submit to the Special Licenses Unit 625 Broadway, Albany, NY 12233 ([SpecialLicenses@dec.ny.gov](mailto:SpecialLicenses@dec.ny.gov), 518-402-8985) an accurate and complete Wildlife Rehabilitation Log and Wildlife Rehabilitator Log Tally prior to December 1 in each year except in the year when the license expires and the licensee is renewing his or her license. In the year that the licensee is renewing his or her license, the licensee shall comply with the requirements of license condition: **GC – License Renewal**.*

As a result of the May 10, 2016 inspection of your facility, you were issued twenty-eight (28) separate citations for various violations of laws or regulations, returnable in Town of Macedon court. At the time of the May 2016 inspection, six (6) coyote were confiscated by the Department's Division of Law Enforcement due to illegal possession and being highly habituated to humans.

Based upon all of the foregoing facts and circumstances listed above, it is clear that you are unsuitable to carry out the responsibilities of a licensed wildlife rehabilitator in New York. In particular, your illegal possession of Department regulated animals, failure to adhere to license conditions, failure to provide proper rehabilitative care to animals in your possession, and failure to keep records and make reports as required by license conditions have established a practice of non-compliance with Department permitting regulations. New York courts have recognized that the environmental compliance history of a permit applicant, such as yourself in this instance, is a relevant consideration for the Department to consider regarding qualification for permitting. See *Olsen v. Town Board of Saugerties*, 161 A.D.2d 1077 (3d Dept. 1990).

Accordingly, consistent with the requirements of 6 NYCRR §§ 175 and 184, and the guidelines provided in Department of Environmental Conservation Commissioner's Record of Compliance Enforcement Policy (DEE-16) of August 8, 1991, as revised on March 5, 1993, your application for a Wildlife Rehabilitation License Class 1 is denied. This is a final agency action.

Agency Contact:

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